## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

STATE OF TEXAS, ET AL.;		
	Plaintiffs,	5
v.		S Case No. 1:18-cv-00068
UNITED STATES OF AMERICA, ET AL.;	(	2 2 3
	Defendants,	
And		2 2 9
Karla Perez, et al.;		
STATE OF NEW JERSEY,	(	2
	Defendants-Intervenors.	\$

PLAINTIFF STATES' APPENDIX IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT

## TABLE OF CONTENTS

1	Memorandum from Janet Napolitano, former Secretary of	
1		App. 001–004
	Homeland Security, titled "Exercising Prosecutorial Discretion	
	with Respect to Individuals Who Came to the United States as	
	Children" (June 15, 2012) ("DACA Memo")	
2	Federal Defendants' Revised Response to Defendant-	App. 005–010
	Intervenors' Revised Discovery Request (Nov. 8, 2019)	
3	U. S. Citizenship and Immigration Services Number of Form I-	App. 011–013
	821D, Consideration of Deferred Action for Childhood	
	Arrivals, Fiscal Year 2012-2017	
4	U.S. Citizenship and Immigration Services, DACA Frequently	App. 014–037
	Asked Questions	
5	U.S. Dep't of Homeland Security, DACA National Standard	App. 038–262
	Operating Procedures (2013)	
6	Immigrant Legal Resource Center, Practice Advisory: DACA,	App. 263–273
	Advance Parole, and Family Petitions (June 2016)	
7	Letter from USCIS to Hon. Charles E. Grassley, Chairman,	App. 274–276
	Committee on the Judiciary (June 29, 2016)	
8	Memorandum from Jeh Charles Johnson, former Secretary of	App. 277–282
	Homeland Security, titled "Exercising Prosecutorial Discretion	
	with Respect to Individuals Who Came to the United States as	
	Children and with Respect to Certain Individuals Who Are the	
	Parents of U.S. Citizens or Permanent Residents" (Nov. 20,	
	2014) ("DAPA Memo")	
9	U.S. Department of Justice, Memorandum Opinion for the	App. 283–316
	Secretary of Homeland Security and the Counsel to the	
	President (Nov. 19, 2014) ("OLC Memo")	
10	Memorandum from John F. Kelly, former Secretary of U.S.	App. 317–320
	Department of Homeland Security, titled "Rescission of	
	November 20, 2014 Memorandum Providing for Deferred	
	Action for Parents of Americans and Lawful Permanent	
	Residents" (June 15, 2017) ("DAPA Rescission Memo")	
11	Letter from Ken Paxton, Texas Attorney General, and ten	App. 321–324
	other states, to Hon. Jeff Sessions, former U.S. Attorney	
	General, urging the Trump Administration to phase out	
	DACA (June 29, 2017)	

Exhibit	Document	Pages
12	Letter from Hon. Jeff Sessions, former U.S. Attorney General,	App. 325–326
	to Elaine C. Duke, Acting Secretary of U. S. Department of	
	Homeland Security, advising that DHS should rescind the 2012	
	DACA Memo (Sept. 4, 2017)	
13	Memorandum from Elaine C. Duke, Acting Secretary of U. S.	App. 327–333
	Department of Homeland Security, titled "Rescission of the	
	June 15, 2012 Memorandum Entitled 'Exercising Prosecutorial	
	Discretion with Respect to Individuals Who Came to the	
	United States as Children" (Sept. 5, 2017) ("DACA Rescission	
	Memo")	
14	Declaration of Donald Deere, Ph.D. (Apr. 27, 2018)	App. 334–348
15	Deposition of Ike Brannon (June 26, 2018) (excerpts)	App. 349–356
16	Brief of Amici Curiae Texas Association of Business, et al., ECF	App. 357–381
	No. 221-1 (July 21, 2018)	
17	Brief of Amici Curiae 114 Companies, ECF No. 204-1 (July, 21,	App. 382–412
	2018)	
18	Brief of Amici Curiae New Jersey Businesses, ECF No. 192-1	App. 413–424
	(July 20, 2018)	
19	Deposition of Esther Jeon (June 15, 2018) (excerpts)	App. 425–432
20	Declaration of Rose Arackathara (May 18, 2018)	App. 433–437
21	Deposition of Rose Arackathara (June 18, 2018) (excerpts)	App. 438–443
22	Supplemental Declaration of Donald Deere, Ph.D. (June 15,	App. 444–459
	2018)	
23	Deposition of Leighton Ku (June 27, 2018) (excerpts)	App. 460–465
24	Declaration of Meg Wiehe and Misha Hill (June 15, 2018)	App. 466–485
25	Deposition of Ray Perryman (June 27, 2018) (excerpts)	App. 486–496
26	Declaration of Tom K. Wong (May 16, 2018)	App. 497–522
27	Declaration of Monica Smoot (Apr. 9, 2018)	App. 523–584
28	Declaration of Leonardo R. Lopez (Apr. 26, 2018)	App. 585–589
29	Ray Perryman, Estimated Annual Net Fiscal Benefits of	App. 590–594
	DACA Recipients in Texas	
30	Declaration of Leighton Ku, Ph.D., MPH (June 15, 2018)	App. 595–623
31	Results from Tom K. Wong et al., 2017 National DACA Study	App. 624–627
	(excerpts)	
32	Declaration of Lloyd B. Potter, Ph.D. (Apr. 26, 2018)	App. 628–645
33	Email from Tyronda Lee, Section Chief, U.S. Citizenship and	App. 646–647
	Immigration Services, to Brandon Robinson (May 8, 2018	
	12:09 CST)	
34	Deposition of Stephen Legomsky (Aug. 1, 2018) (excerpts)	App. 648–653

## 

Exhibit	Document	Pages
35	Declaration of Susan Bricker	App. 654-672
36	Declaration of James Terry	App. 673-681
37	Advisory by U.S. Department of Homeland Security, titled	App. 682-684
	"DHS Issues Regulation to Preserve and Fortify DACA" (Aug.	
	24, 2022)	
38	U.S. Citizenship and Immigration Services, DACA Frequently	App. 685-710
	Asked Questions (Nov. 3, 2022)	
39	U.S. Citizenship and Immigration Services's Count of Active	App. 711-720
	DACA Recipients by Month of Current DACA Expiration as	
	of Sept. 30, 2022.	
40	Declaration of Ryan D. Walters	N/A

Date: January 31, 2023

STEVE MARSHALL

Attorney General of Alabama

TIM GRIFFIN

Attorney General of Arkansas

KRIS KOBACH

Attorney General of Kansas

JEFF LANDRY

Attorney General of Louisiana

LYNN FITCH

Attorney General of Mississippi

MIKE HILGERS

Attorney General of Nebraska

ALAN WILSON

Attorney General of South Carolina

PATRICK MORRISEY

Attorney General of West Virginia

Respectfully submitted.

KEN PAXTON

Attorney General of Texas

**BRENT WEBSTER** 

First Assistant Attorney General

/s/ Leif A. Olson

LEIF A. OLSON

Chief, Special Litigation Division

Texas Bar No. 24032801

Southern District of Texas Bar No. 33695

WILLIAM T. THOMPSON

Special Counsel

Attorney-in-Charge

Texas Bar No. 24088531

Southern District of Texas Bar No. 3053077

RYAN D. WALTERS

Special Counsel

Texas Bar No. 24105085

Southern District of Texas Bar No. 3369185

Special Litigation Division

P.O. Box 12548 (MC-009)

Austin, Texas 78711-2548

Phone: (512) 936-2714

Fax: (512) 457-4410

leif.olson@oag.texas.gov

will.thompson@oag.texas.gov

ryan.walters@oag.texas.gov

Counsel for Plaintiff States

## **CERTIFICATE OF SERVICE**

I certify that on January 31, 2023, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

<u>/s/ Leif A. Olson</u> LEIF A. OLSON